

Entered on Docket

March 23, 2020

EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



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Signed and Filed: March 20, 2020

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

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16 **UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

18 **In re:**

Bankruptcy Case No. 19-30088 (DM)

19 **PG&E CORPORATION,**

Chapter 11

20 **- and -**

(Lead Case) (Jointly Administered)

21 **PACIFIC GAS AND ELECTRIC  
COMPANY,**

**ORDER REGARDING LIMITED RELIEF  
FROM THE AUTOMATIC STAY  
BETWEEN THE UTILITY, JH KELLY,  
LLC AND AECOM TECHNICAL  
SERVICES, INC.**

22 **Debtors.**

Related to Dkt. Nos. [5649, 6272, 6409]

- 23
- 24  Affects PG&E Corporation  
 Affects Pacific Gas and Electric Company  
 Affects both Debtors

**Resolving Motion set for hearing:**

Date: April 7, 2020  
Time: 10:00 a.m.

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26 \*All papers shall be filed in the lead case,  
No. 19-30088 (DM)

1       On consideration of the *Stipulation And Agreement for Order Regarding Limited Relief*  
2 *From the Automatic Stay Between the Utility, JH Kelly, LLC and AECOM Technical Services,*  
3 *Inc.*, filed March 20, 2020 as Docket No. 6409 (the “**Stipulation**”),<sup>1</sup> between Pacific Gas and  
4 Electric Company (the “**Utility**” or the “**Debtor**”), as debtor and debtor in possession, JH Kelly,  
5 LLC, (“**JH Kelly**”), and AECOM Technical Services, Inc. (“**AECOM**”), entered into settlement  
6 of *JH Kelly LLC’s Motion For Relief from the Automatic Stay* [Dkt. No. 5649] (the “**Motion**”);  
7 and this Court having jurisdiction to consider the Motion and the relief requested therein  
8 pursuant to 28 U.S.C. §§ 157 and 1334, the Order Referring Bankruptcy Cases and Proceedings  
9 to Bankruptcy Judges, General Order 24 (N.D. Cal.), and Rule 5011-1(a) of the Bankruptcy  
10 Local Rules for the United States District Court for the Northern District of California, and to  
11 consider the Stipulation and its provisions pursuant to that same authority and Federal Rule of  
12 Bankruptcy Procedure 4001(d)(4); and consideration of the Motion, the Stipulation and the  
13 requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper  
14 before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and  
15 determined that notice of the Motion as provided to the parties listed therein is reasonable and  
16 sufficient under the circumstances, and sufficient to afford reasonable notice of the material  
17 provisions of the Stipulation and opportunity for hearing; and it appearing that no other or further  
18 notice need be provided; and this Court having determined that the legal and factual bases set  
19 forth in the Motion establish just cause for approval of the Stipulation; and upon all of the  
20 proceedings had before this Court and after due deliberation and sufficient cause appearing  
21 therefor, and good cause appearing,

22       **IT IS HEREBY ORDERED THAT:**

- 23       1.     The Stipulation is approved.  
24       2.     The Stipulation, as well as the limited relief from the automatic stay provided

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Stipulation.  
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1 therein, shall become effective upon entry of this Order, notwithstanding any contrary effect of  
2 Federal Rule of Bankruptcy Procedure 4001(a)(3).

3       3. The automatic stay is immediately modified solely for the limited purpose of  
4 permitting the Parties to consolidate in the State Court the Foreclosure Action with the JH Kelly-  
5 AECOM State Action pursuant to the State Court Stipulation. For the avoidance of doubt, the  
6 automatic stay shall remain in effect in all other respects and nothing in the Stipulation permits  
7 any prosecution of any claims against the Utility in the JH Kelly-AECOM State Action, the  
8 Foreclosure Action, or the Consolidated Action in State Court.

9       3. The Stipulation is without prejudice to the merits of the Foreclosure Action, the  
10 JH Kelly-AECOM State Action, the Third-Party Complaint, the AECOM Cross-Complaint, the  
11 AECOM Mechanic's Lien, AECOM POC, or the JH Kelly POC, or to any Party's arguments  
12 with respect to the same.

13       4. Nothing herein shall be deemed to modify or alter the requirements or obligations  
14 of JH Kelly and AECOM to have timely filed proofs of claim in these Chapter 11 Cases in  
15 accordance with any order of the Court governing the filing of claims, including but not limited  
16 to the Order dated July 1, 2019, Dkt. No. 2806.

17       5. The Stay-Relief Motion is hereby withdrawn and the Stay-Relief Hearing vacated.

18       6. The Stipulation and the State Court Stipulation shall constitute the entire  
19 agreement and understanding of the Parties relating to the subject matter thereof and supersede  
20 all prior agreements and understandings relating to the subject matter hereof.

21       7. This Court shall retain jurisdiction to resolve any dispute regarding, and to  
22 enforce, the terms of the Stipulation and this Order.

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1 APPROVED AS TO FORM AND CONTENT:

2 Dated: March 20, 2020

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**STOEL RIVES LLP**

4 By: /s/ David B. Levant  
5 David B. Levant  
6 Eric A. Grasberger  
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8  
*Attorneys for Plaintiff JH Kelly, LLC*

9 Dated: March 20, 2020

10  
**REED SMITH LLP**  
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11 By: /s/ Marsha A. Houston  
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13  
*Attorneys for Defendant/Counter  
Complaint/Third-Party Plaintiff  
AECOM Technical Services, Inc.*

14 \*\* END OF ORDER \*\*